

EXHIBIT A

From: [Marden, Libby](#)
To: ["Rachel Abrams"](#); [Reilly Dunne](#); [ehurd](#); [Sarah London](#); [Roopal Luhana](#); [Jill Kraus](#); [ubermdldiscovery@chaffinluhana.com](#)
Cc: [Caritis, Alexandra](#); [Davidson, Jessica](#); [Trangle, Asher](#); [Wyatt, Geoffrey M.](#); [Uber PW Bellwether](#)
Subject: RE: Uber MDL 3084 - Plaintiff Expert Reports of Mindy Mechanic (A.R.2, B.L., Dean, LCHB128)
Date: Wednesday, October 22, 2025 7:41:57 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Counsel,

Under the Federal Rules, Uber is entitled to “the facts or data considered by the [Dr. Mechanic] in forming” the opinions in her expert report. Fed. R. Civ. P. 26(a)(2)(B)(ii). This includes the “test data” for all psychological testing conducted by her. In accordance with Section 9.04(a) of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (“APA Code of Conduct”), “[t]he term *test data* refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists’ notes and recordings concerning client/patient statements and behavior during an examination.” Further, Section 9.04(a) clarifies that “[t]hose portions of test materials that include client/patient responses are included in the definition of *test data*.”

Section 9.04(b) of the APA Code of Conduct states that Dr. Mechanic is obligated to provide test data to Uber “as required by law or court order.” Courts have regularly directed parties and their expert psychologists to produce “test data” such as “the Neuropsychological Evaluation Notes from the joint clinical interview, [the expert’s] separate handwritten notes, the NHQ [“Neuropsychological History Questionnaire”], the PAI [“Personality Assessment Inventory”] Clinical Interpretive Report, and the Raw Data Sheet.” *Wayne v. Officer Ralph Kirk #21*, 2016 WL 492338, at *10 (N.D. Ill., Feb. 9, 2016). In fact, caselaw is clear that, subject to a Protective Order (which has already been entered in this case), Uber is not even required to “retain such an expert solely to review the [test] data . . . which underly Dr. [Mechanic’s] opinion.” *Glennon v. Performance Food Grp., Inc.*, 2021 WL 3130050, at *6 (S.D. Ga. July 23, 2021); *see also Guinn v. Praxair, Inc.*, 2019 WL 12096811, at *2 (E.D. Mich. Mar. 21, 2019) (ordering that plaintiff “disclose to [defendant’s] attorneys . . . the test data . . . prepared by” plaintiff’s expert).

Accordingly, Dr. Mechanic needs to produce: (i) notes of her interviews with Plaintiffs and “collateral sources” that contain the facts or data considered by her in forming her opinions (all reports); and (ii) raw data and interpretive reports for psychological testing she conducted. To be abundantly clear, this means that Dr. Mechanic must produce ***all*** the scores from ***all*** the psychological tests she conducted for all four Plaintiffs. This includes, by way of example, the actual score results from the malingering/atypical response scales of the TSI-2 for Plaintiff Dean. *See Mechanic Dean Rep.* at 42. Please produce this information by **noon PT on October 23** in light of the deadline for rebuttal reports.

Thanks,
 Libby

Libby Marden

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From: Rachel Abrams <rabrams@peifferwolf.com>

Sent: Thursday, October 16, 2025 3:57 PM

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Subject: Re: Uber MDL 3084 - Plaintiff Expert Reports of Mindy Mechanic (A.R.2, B.L., Dean, LCHB128)

This message is from an EXTERNAL SENDER

Be cautious, particularly with links and attachments.

Counsel,

During our call last Friday, October 10, you stated that you'd provide a legal basis for Uber's requests for Mindy Mechanic's notes of interviews, and raw data/ interpretive reports for psychological testing she conducted. Please provide the legal basis supporting your position.

As for Uber's request for an IME of Jaylynn Dean, Uber chose not to proceed with an IME during discovery (see attached confirming email). Uber cannot now request one after plaintiff served an expert forensic psychologist report.

Regards,

Rachel

Rachel Abrams

Partner

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From: Marden, Libby <libby.marden@kirkland.com>

Date: Wednesday, October 15, 2025 at 4:44 PM

To: Reilly Dunne <rdunne@simmonsfirm.com>, ehurd <ehurd@simmonsfirm.com>, Rachel Abrams <rabrams@peifferwolf.com>, Sarah London <slondon@girardsharp.com>, Roopal Luhana <luhana@chaffinluhana.com>, Jill Kraus <jkraus@simmonsfirm.com>, ubermlddiscovery@chaffinluhana.com <ubermlddiscovery@chaffinluhana.com>

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Subject: RE: Uber MDL 3084 - Plaintiff Expert Reports of Mindy Mechanic (A.R.2, B.L., Dean, LCHB128)

Counsel,

As discussed on our recent calls, pursuant to FRCP 26(a)(2)(B)(ii), Uber requests: (i) notes of interviews with plaintiffs and "collateral sources" that contain the facts or data considered by Mechanic in forming her opinions (all reports), and (ii) raw data and interpretive reports for psychological testing conducted.

Also as discussed on our recent calls, we request an IME of JD in light of the Mechanic report. We initially agreed to pull down the IME when we were under the impression that Plaintiffs were not conducting an IME. Based on the Mechanic report and IME, Uber requests an IME to fully and fairly respond to the Mechanic report.

Thank you,
Libby

Libby Marden

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From: Reilly Dunne <rdunne@simmonsfirm.com>
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Defense Counsel:

Attached please find the expert reports of Mindy Mechanic, including all exhibits and/or attachments.

If the report is marked confidential, we reserve the right to de-designate any of our expert reports that do not, in fact, contain such material, and will advise you of any such de-designation.

We will provide available dates and location for deposition as soon as possible.

Thank you,

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